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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,411	07/07/2003	Johannes J. Mons	PHN 14,471B	7456

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EXAMINER	
TRAN, THANG V	
ART UNIT	**PAPER NUMBER**
2653	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/614,411	MONS ET AL.	
	Examiner	Art Unit	
	Thang V. Tran	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 August 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) *9-14 and 27* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8 and 15-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

The communication dated 08/10/05 has been considered with the following results:

Election/Restrictions

1. Applicant's election with traverse of claims 5, 8 and 15-24 in the reply filed on 08/10/05 is acknowledged. The traversal is on the ground(s) that the examiner fails to point out any mutally exclusive features of any claims. This is not found persuasive because the election was made based on patentable distinct of species of the claimed invention. Therefore, it does not require the examiner to provide any mutually exclusive features for any claims. However, the election has been revisited with the following results:

Claims 2-4, 25 and 26 will be examined together with the selected claims 5, 8 and 15-24 and generic claims1, 6 and 7.

Claims 9-14, 27 and 28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 08/10/05.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4-8, 15, 16, 18, 19 and 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Satoh et al (U.S. 5,303,225).

Regarding claim 1, Satoh et al, according to Figs. 3-10, discloses a record carrier suitable to be scanned by means of a single scanning head (see Fig. 1) and provided with at least two substantially parallel information layers (see Fig. 3, 6, 8 or 10), characterized in that each layer contains a block of control information (see ID in Fig. 5) including layer control information for controlling the scanning of multiple other blocks of the layer.

Regarding claim 2, see the rejection applied to claim 1 and further see the arrangement of control blocks (ID areas) shown in Fig. 4 or 7.

Regarding claim 4, see the rejection appled to claim 1 above and further see Fig. 8 or 10 for the details of a control information block (IDTS) having global indication about the user information stored in another of the layers.

Regarding claim 5, Satoh et al, according to Figs. 8-10, discloses a record carrier suitable to be scanned by means of a single scanning head (see Fig. 1) and provided with at least two substantially parallel information layers (see Figs. 8-10), characterized in that each layer contains a block of control information (see Fig. 5) including layer control information related to multiple other blocks of the layer; characterized in that at least one of the control information blocks (see IDTS in Fig. 8 or 9) contains a sub-block having a global indication about user information stored in another of the layers.

Regarding claims 6 and 7, see an optical disk described in Fig. 3 for the limitations as recited in these claims.

Regarding claim 8, see the rejection applied to claim 1 above and further see column 3, lie 66 to column 4, line 24, for the further details of a sequentially reading block of control information as further recited in this claim.

Regarding claim 15, Satoh et al, according to Figs. 8-10, discloses a record carrier comprising: multiple substantially co-extending parallel information layers (see Fig. 8); each layer including a user area (DF) formatted for user information and a control area (ID1-IDTS) formatted for control information including layer control information (ID1-ID3) for controlling the scanning of the user information of only the layer containing the layer control information; the control area (IDTS) of at least one of the layers also being formatted for containing global control information for controlling the scanning of the user information of other information layers than the layer containing the global control information, the control area (ID1-ID3) of at least one of the layers not being formatted for containing any global control information for controlling the scanning the information of another information layer.

Regarding claims 16 and 18, see Fig. 8 and particularly Fig. 9 which describes the global control information as recited in these claim.

Regarding claim 19, see column 3, lines 43-55, for the limitation recited in this claim.

Regarding claim 20, see column 3, line 66 to column 4, line 24, for the further details of the control area (ID) arrangement and a sequentially reading block of control information as further recited in this claim.

Regarding claim 22, Satoh et al, according to Figs. 1-10, discloses a record carrier placed in a holder inherently; and a scanning head (see Fig. 1) for scanning the record carrier placed in the having multiple substantially co-extensive parallel information layers (see Fig. 3 or 6, each layer containing a block (ID) formatted for containing control information including layer control information related to a multitude of user information blocks of the layer; for each

layer, the scanning device for reading the layer control information of the layer before scanning the user information blocks of the layer (see column 3, line 66 to column 4, line 24).

Regarding 23, Satoh et al, according to Figs. 1-10, discloses a record carrier placed in a holder inherently; and a scanning head (see Fig. 1) for scanning the record carrier having multiple substantially co-extensive parallel information layers (see Fig. 8 or 10), each layer containing a block (ID area) formatted for containing control information including layer control information related to a multitude of other blocks of the layer, one of the information layer (7c) having a control block (IDTS)formatted for containing global control information
for controlling the scanning of user information in another layers, the scanning device being adapted for reading the global information from the one information layer prior to scanning the user information of any layer (see column 5, lines 43-55).

Regarding claim 24, see column 5, lines 43-55 for the limitations recited in this claim.

Regarding claim 25, see the rejection applied to claim 22 and further see column 3, line 66 to column 4, line 24, for the details of the reading of the control information.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 3, 17, 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh et al. (U.S. 5,303,225 cited by Applicant) in view of Best et al. (US 525,262).

Satoh et al., according to Figs. 1-10, discloses an optical disk including all the features of the instant claimed invention (see the rejections above) except for the use of the arrangement of tracks in the layers as particularly recited in claim 3, 21 and 27, and the use of a global control information including an indication of the format of the different layers as recited in claim 17. Best et al, according to column 6, lines 55-68, teaches the arrangement of the tracks in the layers as recited in claims 3, 21 and 27, for the purpose of obtaining continuous tracking of data, and according to column 10, lines 49-64, teaches the use of the global control information (header information) including an indication of the format of the different layers as recited in claim 17 for the purpose of accurately reading out data from each layer. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the optical disk of Satoh et al by rearrange the tracks on the disk and to provide the a global control information including an indication of the format of the different layers on the disk based on the teaching of Best in order to allow the scanning head in the device of Satoh et al to perform a continuous tracking of data and to accurately read out data from each layer as taught by Best et al.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (571) 272-7595. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thang V. Tran
Primary Examiner
Art Unit 2653